

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

LONNIE WEATHERSPOON and)
ANITA WEATHERSPOON,)
)
Plaintiffs,)
)
vs.) No.
)
UNITED STATES OF AMERICA,)
)
Defendant.)

JURISDICTION

Jurisdiction of this Court is conferred by the Federal Tort Claims Act, Act of August 2, 1946, 60 Stat. 843; USC, Title 28, Section 1331(b), 2671 et seq., as the Plaintiffs are private citizens and the Defendant is the United State of America and the actions herein occurred in the Southern District of Illinois.

COMPLAINT

COUNT I

Comes now the Plaintiff, LONNIE WEATHERSPOON, by and through his attorneys, COOK, BARTHOLOMEW, SHEVLIN, COOK & JONES, LLP, and JOSEPH A. BARTHOLOMEW, and for Count I of his Complaint against the Defendant, UNITED STATES OF AMERICA, states as follows:

1. That the Plaintiffs, Lonnie Weatherspoon and Anita Weatherspoon, are citizens of the United State of America and resident of Madison County, Southern District of Illinois.
2. That on or about August 20, 2016 continuing through March 27, 2018, Lonnie Weatherspoon, presented to Dr. Bryan Steele for

medical treatment.

3. That at all times mentioned herein the Defendant, United State of America, was the employer of physicians and other medical personnel at the medical facility at the offices of Dr. Bryan Steele, was responsible for rendering medical care and treatment to the plaintiff, Lonnie Weatherspoon.

4. That at said time and place the Defendant, the United State government, by and through its agents, servants and employees, and Dr. Bryan Steele, failed to apply the knowledge and use the skill and care ordinarily used by a reasonably well-qualified health care provider and therefore was professionally negligent in the following manner:

(a) negligently and carelessly failed to timely evaluate a patient with known risk factors for esophageal cancer in a timely manner including weight loss, history of tobacco and alcohol use, obesity and poor diet causing a delay in the ultimate diagnosis of the cancer.

5. That as the direct and proximate result of one or more of the foregoing negligent acts or omissions on the part of the defendant, Lonnie Weatherspoon was caused to have his esophageal cancer go undiagnosed, progress and metastasize and suffers injury to his body as a whole; he has sustained constant pain and suffering; loss of enjoyment of a normal life, Plaintiff has incurred and will become liable to pay great sums of money for medical and hospital treatment, and will become liable for additional sums in the future, and will incur life care expenses, all to his damage in a substantial amount.

6. That the Plaintiff has exhausted his administrative remedies in this action having filed a form 95, pursuant to the Federal Tort Claims Act, with the Department of the United States Air Force, said claim having been on file since September 16, 2019 and more than six months has expired and therefore Plaintiff has filed this action pursuant to the provisions of 28 USCA 2401(b).

7. That at all times mentioned herein the Plaintiffs, LONNIE WEATHERSPOON and ANITA WEATHERSPOON, were married.

8. That the Plaintiff, LONNIE WEATHERSPOON, did not know that the delay in the diagnosis of his esophageal cancer was due to the wrongful acts of any party until January, 2019.

WHEREFORE, the Plaintiff, LONNIE WEATHERSPOON, prays judgment against the Defendant, UNITED STATES OF AMERICA, in an amount of TWENTY MILLION DOLLARS (\$20,000,000.00) plus costs herein expended, and for such other and further relief as this Court deems proper.

S/Joseph A. Bartholomew
JOSEPH A. BARTHOLOMEW
Attorney for Plaintiff
IL REG #6187925
FED #6519

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COUNT II

Comes now the Plaintiff, ANITA WEATHERSPOON, by and through her attorneys, COOK, BARTHOLOMEW, SHEVLIN, COOK & JONES, LLP, and JOSEPH A. BARTHOLOMEW, and for Count II of her Complaint against the Defendant, UNITED STATES OF AMERICA, states as follows:

1. That the Plaintiffs, Lonnie Weatherspoon and Anita Weatherspoon, are citizens of the United State of America and resident of Madison County, Southern District of Illinois.

2. That on or about August 20, 2016 continuing through March 27, 2018, Lonnie Weatherspoon, presented to Dr. Bryan Steele for medical treatment.

3. That at all times mentioned herein the Defendant, United State of America, was the employer of physicians and other medical personnel at the medical facility at the offices of Dr. Bryan Steele, was responsible for rendering medical care and treatment to the plaintiff, Lonnie Weatherspoon.

4. That at all times mentioned herein the Plaintiffs, LONNIE WEATHERSPOON and ANITA WEATHERSPOON, were married.

5. That at said time and place the Defendant, the United State government, by and through its agents, servants and employees, and Dr. Bryan Steele, failed to apply the knowledge and use the skill and care ordinarily used by a reasonably well-qualified health care provider and therefore was professionally negligent in the following manner:

(a) negligently and carelessly failed to timely evaluate a patient with known risk factors for esophageal cancer in a timely manner including weight loss, history of tobacco and alcohol use, obesity and poor diet causing a delay in the ultimate diagnosis of the cancer.

6. That as the direct and proximate result of one or more of the foregoing negligent acts or omissions on the part of the defendant, Lonnie Weatherspoon was caused to have his esophageal cancer go undiagnosed, progress and metastasize and suffers injury to his body as a whole; he has sustained constant pain and suffering; loss of enjoyment of a normal life, and Plaintiff, Anita Weatherspoon, suffers loss of consortium due to her husband's injuries.

7. That the Plaintiff has exhausted his administrative remedies in this action having filed a form 95, pursuant to the Federal Tort Claims Act, with the Department of the United States Air Force, said claim having been on file since September 16, 2019 and more than six months has expired and therefore Plaintiff has filed this action pursuant to the provisions of 28 USCA 2401(b).

8. That the Plaintiff, LONNIE WEATHERSPOON, did not know that the delay in the diagnosis of his esophageal cancer was due to the wrongful acts of any party until January, 2019.

WHEREFORE, the Plaintiff, ANITA WEATHERSPOON, prays judgment against the Defendant, UNITED STATES OF AMERICA, in an amount of TWENTY MILLION DOLLARS (\$20,000,000.00) plus costs herein expended, and for such other and further relief as this Court deems proper.

S/Joseph A. Bartholomew
JOSEPH A. BARTHOLOMEW
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